



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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REFERENCE 73
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FEB 23 2001

RECEIVED

REPLY TO THE ATTENTION OF:
DW-8J

Larry Hagen, Jr.
Gary Development
P.O. Box 6056
479 N. Cline Avenue
Gary, Indiana 46406

MAR 1 2001

DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

RE: GPRA - "Not-Under-Control" Status

Gary Development Co. Inc.

IND 077 005 916

Dear Mr. Hagen:

This letter is to inform you that our records currently show that your facility is listed in a "Not-Under-control" status. Beginning in early March 2001, information on the Resource Conservation and Recovery Act (RCRA) status of your facility will be available to the public on an internet website. Status has been assigned in conformance with United States Environmental Protection Agency's (U.S. EPA) Strategic Plan as required by the Government Performance and Results Act (GPRA).

In September 1997, the U.S. EPA published its National Strategic Plan, setting forth clear environmental goals through the year 2005. As required under the GPRA, the Strategic Plan describes the U.S. EPA's mission and ten broad goals that will serve as the framework for the Agency's planning and resource allocation decisions. The Agency based its goals on public priorities as articulated by Congress in the form of statutory mandates, and as expressed in direct public comment.

Goal Number 5 in the U.S. EPA's Strategic Plan is as follows:

"Better waste management, restoration of contaminated waste sites, and emergency response."

The Agency's stated objectives under Goal 5 include reducing or controlling risks to human health and the environment at over 375,000 contaminated Superfund, RCRA, Underground Storage Tank (UST), and brownfield sites. Also included is the managing of the roughly 14,000 facilities defined by RCRA Subtitles C and D *according to practices that prevent dangerous releases to the environment*. Specifically related to RCRA hazardous waste facilities, the U.S. EPA has committed to preventing dangerous releases to air, soil, and groundwater at 80% of such facilities in the United States by the year 2005. Because this commitment is made as part of its GPRA strategy, the Agency regards this as one of its highest priorities.

Recently, U.S. EPA Region 5 established an inventory or "universe" of RCRA facilities which fall under this 80% commitment. The status of RCRA facilities as of October 1, 1997, was selected to establish an overall baseline universe (i.e., the list of 100% of affected facilities). The current status of these same RCRA facilities has been used to determine the percentage of facilities that are at this time "under control" (i.e., facilities where all hazardous waste units are being managed according to practices that prevent dangerous releases). I have enclosed a chart which presents this information for each of the six States in U.S. EPA Region 5.

To gain a better understanding of exactly what efforts will be necessary to meet the commitment to have 80% of RCRA facilities under control by the year 2005, we have further broken down the universe of facilities into separate subset universes listing: (1) RCRA facilities with operating hazardous waste units not involving land disposal, and (2) RCRA facilities which have closed or will likely close with hazardous waste in place and hence need post-closure care. Some facilities are listed only in the operating universe (OPU), some are listed only in the post-closure universe (PCU), and some facilities are listed in both. Comparing these two lists quickly demonstrated that the majority of facilities in Region 5 with operating RCRA units already have permits and are therefore "under control," but also that much work remains before the post-closure universe can achieve the 80% number.

The Agency has decided that it will not be necessary in all cases for a facility with one or more land disposal units to have a full post-closure permit in place (under Title 40 of the Code of Federal Regulations (40 CFR) Part 264 or the equivalent state regulations) in order for that facility to be considered as "under control." The Agency will allow some flexibility for facilities which have an enforceable agreement in place with their state environmental agency to be considered "under control" for the purposes of the 80% commitment. However, any such agreement would also need to include a groundwater monitoring and post-closure care scheme deemed equivalent to that in a RCRA post-closure permit (i.e., 40 CFR Part 264 Subparts F and G or the state equivalent). Under appropriate circumstances, formally including the units covered by corrective action requirements in a RCRA permit or RCRA administrative order (40 CFR 264.101 or RCRA 3008(h), respectively) may be another option for bringing a facility with hazardous waste post-closure units under control.

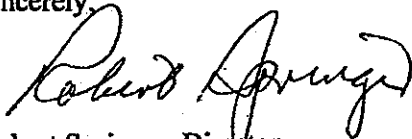
This letter is being sent to you because your facility is currently listed on our GPRA post-closure universe and is shown as "not-under-control". Our purpose in sending this letter is to alert you to the importance that the U.S. EPA and your State environmental agency now place on moving facilities such as yours into "under control" status, and to urge you to contact and work with your state agency to explore the various options for achieving this status. Many facilities which are currently under an enforceable interim status closure plan might be able to work with the Indiana Department of Environmental Management (IDEM) to upgrade the groundwater monitoring and post-closure care language in those documents, expeditiously bringing the facility to "under-control" status.

One of U.S. EPA's goals is to make information on environmental progress more available to the public. Citizens need access to information about prevailing and projected environmental conditions and trends to participate in decision-making in a meaningful manner. Therefore, results from the GPRA permitting reports will be made publicly available in early March on the U.S. EPA Office of Solid Waste's hazardous waste permitting internet site. The GPRA permitting report results will contain the GPRA progress in a regional summary as well as in detailed reports at the unit level.

Thank you for your cooperation in this matter. With your help, the public can be assured that the country's wastes will be stored, treated, and disposed in ways that prevent harm to people and to the natural environment.

If you have any questions about this letter, or would like to explore post closure options that may be open to you, please call Ms. Harriet Croke of my staff at (312) 353-4789 or your state RCRA permit contact.

Sincerely,



Robert Springer, Director
Waste, Pesticides and Toxics Division

Enclosure

cc: Thomas Linson, IDEM

Summary of Accomplishments in the GPRA Baseline Operating Permit Universe

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Region - 05	IL	IN	MI	MN	OH	WI	Total
Percentage of Facilities with Approved Controls in place	100%	86%	69%	100%	83%	96%	89%
Total Facilities with Approved Controls in place	48	25	22	25	43	27	190
Facilities with approved controls in place in date range	48	25	22	25	43	27	190
Facilities without Approved Controls in Place	0	0	10	0	8	0	18
Number of Facilities	48	29	32	25	52	28	214

Summary of Accomplishments in the GPRA Baseline Post-Closure Universe

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Region - 05	IL	IN	MI	MN	OH	WI	Total
Percentage of Facilities with Approved Controls in place	80%	46%	57%	100%	46%	83%	57%
Facilities with approved controls in place in date range	45	25	21	8	53	10	162
Facilities without Approved Controls in Place	11	29	10	0	62	2	120
Number of Facilities	56	54	37	8	115	12	282

* End of Report *